

### **REMARKS/ARGUMENTS**

The Final office action of February 8, 2006 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested.

Claims 33-38 have been canceled. No new matter has been added. Claims 1-24, 26, and 28-32 are pending.

Claim 9 was objected to for reciting "a tag" because there is supposedly no previous recitation of a tag. However, claim 9 depends from claim 8 which recites: "detecting a tag associated with the link information." The "tag" is recited in claim 8 from which claim 9 depends. Therefore, the objection should be withdrawn.

Claims 33, 35, and 37 were rejected under 35 U.S.C. 102(b) as being anticipated by Macrae (WO 98/17064). Claims 33, 35, and 37 have been canceled. Therefore, the rejection should be withdrawn.

Claims 1-4, 7, 9-15, 17-19, 23, 24, 26, and 28-32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Macrae in view of LaJoie (U.S. Patent No. 5,850,218). This rejection is respectfully traversed.

Claim 1 recites that the link information providing means is operable to override a predetermined display preference in response to detection of a code identifying the link information, wherein the predetermined display preference is a preference not to display the information service.

The Office Action admits that Macrae fails to teach or suggest this feature and relies on LaJoie to make up for the deficits of Macrae. However, Lajoie fails to cure the deficits of Macrae.

The Office Action asserts that LaJoie discloses a message transmission (col. 33, lines 31) from a headend to a set-top terminal (col. 33, lines 2-3). The message may turn on the set-top terminal and a television to display an important message (col. 33, lines 47-50). Even assuming *arguendo* that the Office Action's assertion is true, LaJoie, like Macrae, fails to teach or suggest overriding a predetermined display preference. Lajoie and Macrae, either alone or in combination, fail to teach or suggest a display preference at all.

Rather, Lajoie discloses that the television/set top terminal is turned off, then turned on responsive to an input signal. As one of ordinary skill in the art would understand, when a television is turned off, there is no display. There cannot be a display preference if there is no display. A display preference becomes applicable only when there is actually a display on the television screen and may include, for example, an option or a selection regarding the information displayed on the television screen. Also, to have a display preference not to view an information service, there must first be a display. In the cited embodiment, LaJoie fails to teach or suggest a display at all. Rather, LaJoie, in the cited embodiment, merely discloses a television that is turned off and providing no display at all much less a display preference.

In addition, claim 1 recites means for providing link information for display during the television programme service, wherein the link information providing means is operable to override a predetermined display preference, the predetermined display preference is a preference not to display the information service. The Office Action admits that Macrae fails to teach or suggest these features. Lajoie fails to cure the deficits of Macrae.

In the cited embodiment, Lajoie merely discloses a television that is turned off (col. 33, line 48). When the television is turned off, there can be no "link information for display during the television programme service" as recited in claim 1. This is because, when the television is turned off, there is no display at all. If there is no display, there cannot be "link information for display." Also, the link information cannot be displayed during the television programme service because there is no television programme service when the television is turned off. When the television is turned off, there is no link information for display and no television programme service.

Also, claim 1 recites that the link information providing means is operable to override a predetermined display preference. If the television is turned off in LaJoie, then there is no link information for display. If there is no link information for display, then the link information providing means cannot be "operable to override a predetermined display preference." In fact, if the television is turned off there is no link information at all much less any link information operable to override a predetermined display preference.

To establish *prima facie* obviousness of a claimed invention, all the claim features must be taught or suggest by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). In the present case, Macrae and LaJoie, either alone or in combination, fail to teach or suggest all the claim features as set forth above. Therefore, it is respectfully submitted the rejection should be withdrawn.

Claims 12, 23, and 26 are similar to claim 1 and are allowable for at least the reasons set forth above for claim 1. Claims 2-4, 7, 9-11, 13-15, 17-19, 24, and 28-32 depend from claim 12, 23, or 26 and are allowable for at least the reasons set forth above for claims 12, 23, or 26.

Claims 34, 36, and 38 were rejected under 35 U.S.C. 103(a) as being unpatentable over Macrae in view of Bendinelli (U.S. Patent No. 6,061,719). This rejection is respectfully traversed. Claims 34, 36, and 38 have been canceled. Therefore, the rejection should be withdrawn.

Claims 5, 6, 8, 18, and 20-22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Macrae and LaJoie and further in view of Bendinelli. This rejection is respectfully traversed.

Claims 5, 6, and 8 depend from claim 1. Claims 18 and 20-22 depend from claim 12. As set forth above Macrae and LaJoie fails to teach or suggest claims 1 and 12. Bendinelli fails to cure the deficits of Macrae and LaJoie. The Office Action asserts that Bendinelli discloses URLs embedded into a television caption. However, even assuming the Office Action's assertion to be true, Bendinelli still fails to teach or suggest claims 1 or 12. Nor does the Office Action assert that Bendinelli does. Therefore, it is respectfully submitted the rejection should be withdrawn.

Claim 9 depends from claim 8. The Office Action admits that Macrae and LaJoie, either alone or in combination, fails to teach or suggest claim 8 (see Office Action, page 18), yet claim 9 recites each feature of claim 8 and was rejected as allegedly being unpatentable over only Macrae and LaJoie. Therefore, the rejection of claim 9 is improper and should be withdrawn.

Appln. No.: 09/882,702  
Amendment dated May 8, 2006  
Reply to Office Action of February 8, 2006

**CONCLUSION**

It is believed that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same.

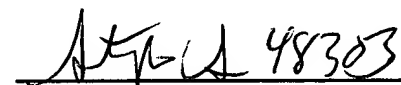
Respectfully submitted,

BANNER & WITCOFF, LTD.

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By:



  
Bradley G. Wright

Registration No. 38,061

1001 G Street, N.W.  
Washington, D.C. 20001-4597  
Tel: (202) 824-3000  
Fax: (202) 824-3001